

TODD C. BANK vs ICOT HOLDINGS, LLC
1:18-CV-02554 - JACOB ZELLWEGER

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK
3
4 TODD C. BANK, et al,
5 Plaintiff,
6
7
8

9 vs. CIVIL ACTION NUMBER
10 1:18-CV-02554-AMD-PK
(E.D.N.Y.)

11
12
13 ICOT HOLDINGS, LLC,
14 and ICOT HEARING SYSTEMS, LLC,
15 d/b/a LISTENCLEAR,
Defendant.
16 -----/

17 The deposition of JACOB ZELLWEGER, a
18 witness in the above-entitled cause, taken
19 pursuant to Notice and agreement, before Kyle J.
20 Saniga, Certified Court Reporter and Notary
21 Public, at the Offices of Coastal Court
22 Reporting & Video Inc., The Altmayer Building,
23 100 Bull Street, Suite 200, Savannah, Georgia,
24 on the 8th day of August 2019, commencing at or
25 about the hour of 10:11 a.m.

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1:18-CV-02554 - JACOB ZELLWEGER

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5 **I N D E X**
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By Mr. Bank ----- 5
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1:18-CV-02554 - JACOB ZELLWEGER

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1 APPEARANCES OF COUNSEL:
2 FOR THE PLAINTIFF:
3 TODD C. BANK, ESQUIRE
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4 119-40 Union Turnpike
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6 718.520.7125
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11 lmessner@mslawgroup.com
12 ALSO PRESENT:
Matthew Whelan, ListenClear
13 888.895.1162
mattwhelan@icotdls.com
14
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8 REPORTER'S NOTE: PLAINTIFF'S EXHIBIT NUMBER 1
WAS RETAINED BY PLAINTIFF'S COUNSEL.
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EXHIBIT A

TODD C. BANK vs ICOT HOLDINGS, LLC
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1 A No, not that I'm aware of.

2 Q Okay. About how many employees work in
3 the office here in Savannah?

4 A 85.

5 Q Okay. So is it fair to say that
6 roughly 65 work in the Tulsa office?7 A I'd say that was a little high. Maybe
8 it's more like 90 45 there, something like that.

9 Q 90 here and 45 there?

10 A Yeah.

11 Q Is there particular reason why
12 ListenClear has two offices rather than just
13 one?14 A Our hearing aids are assembled in Tulsa
15 when we purchased them.16 Q So it's in Tulsa they assemble the
17 hearing aids?

18 A Correct.

19 Q Do they do anything else there?

20 A We have a call center there.

21 Q And is that similar to the call center
22 -- I'm sorry, do you have a call center here in
23 Savannah?

24 A Yes.

25 Q And are those two call centers similar?

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1 A I'm trying to think. I mean I don't
2 know any specifics of them. We'll get -- you
3 know, we've got a few complaints and I don't
4 know, a couple we've settled with, so.5 Q And as part of these complaints have
6 the people making the complaints alleged they
7 never gave consent to making -- to receiving
8 these calls?9 A Depends on the complaint, yeah. I mean
10 some people say they never gave consent. I mean
11 that's what most of the letters say.12 Q And in response did ListenClear ever
13 try to explain or convince the complainer that
14 there was actually consent?15 A Yes. We send out a little thing that
16 says here's the opt-in info we have for you on
17 file and if you have any other questions please
18 contact somebody.

19 Q And contact --

20 A Usually we have -- I know we've sent
21 them out a couple of times but now we've got
22 MacMurray and Shuster take care of it, so.23 Q Have you -- has ListenClear ever
24 convinced any of these complainers that they
25 actually had given consent?CCR COASTAL COURT REPORTING & VIDEO SERVICES
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1:18-CV-02554 - JACOB ZELLWEGER

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1 A No.

2 Q How are they different?

3 A They're just different in the number of
4 sales reps.5 Q Okay. What -- and where are the
6 majority of the sales reps?

7 A In Savannah.

8 Q Okay. Other than the numbers being
9 different, is the work the same for the sales
10 reps in both locations?

11 A Correct.

12 Q Other than -- okay. Other than the
13 ones that we're here for today, the Hennie suit
14 and the Charvat case do you know any other
15 lawsuit against ListenClear relating to
16 telephone calls?

17 A Yes.

18 Q And can you tell me about those?

19 A I don't know if they're lawsuits but I
20 mean they're -- sometimes we get in just, you
21 know, regular e-mail complaints. Sometimes
22 we've got a letter from a lawyer. I mean I
23 don't know what the correct definition of an
24 actual lawsuit would be.

25 Q Uh-huh.

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1:18-CV-02554 - JACOB ZELLWEGER

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1 A Oh I'm sure. I mean there's been a lot
2 of people that we've never -- you know, we've
3 sent that out and never heard from them again.

4 Q But some you have heard from again?

5 A Yeah.

6 Q And so in those situations is it
7 correct that they maintain that they had not
8 consented?9 A Well I don't know if they necessarily
10 maintain they didn't consent. They just
11 maintain they want money for calls made to them.
12 I mean there's usually -- when you look at those
13 letters there's usually like ten different
14 paragraphs of stuff you don't understand so we
15 would send it to MacMurray and Shuster.16 Q Well have you ever had -- have any of
17 these complainers at any point admitted that
18 they actually had consented to receiving the
19 call or calls?20 A I mean I don't talk to them or hear
21 from them personally so I have no idea.22 Q Did ListenClear ever contact Prospects
23 with respect to any of these complaints?

24 A Yes.

25 Q And did Prospects always provide some

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1 D I S C L O S U R E
 2 Pursuant to Article 8.B. of the Rules
 3 and Regulations of the Board of Court Reporting
 4 of the Judicial Council of Georgia, I make the
 5 following disclosure:

6 I am a Georgia Certified Court Reporter.
 7 I was contacted by my office of Coastal Court
 8 Reporting, Inc. to provide court reporting
 9 services for this deposition.

10 I will not be taking this deposition
 11 under any contract that is prohibited by
 12 O.C.G.A. 15-14-37(a) and (b).

13 I have no contract/agreement to provide
 14 reporting services with any party to the case,
 15 any counsel in the case or any reporter or
 16 reporting agency from whom a referral might have
 17 been made to cover the deposition.

18 I will charge its usual and customary
 19 rates to all parties in the case, and a
 20 financial discount will not be given to any
 21 party to this litigation.

22 *Kyle J. Saniga*

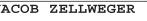
23 Date: August 8, 2019

24 Kyle J. Saniga, CCR, B-2038

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1:18-CV-02554 - JACOB ZELLWEGER

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1 DEPOSITION ERRATA SHEET
 2 Reason for
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 4 Page No. _____ Line No. _____ Change to: _____
 5 Reason for
 6 change:
 7 Page No. _____ Line No. _____ Change to: _____
 8 Reason for
 9 change:
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 24 SIGNATURE:  DATE: _____
 25 JACOB ZELLWEGER

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1:18-CV-02554 - JACOB ZELLWEGER

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1 ERRATA SHEET
 2
 3 CAPTION: TODD C. BANK, et al. VS-
 4 ICOT HOLDINGS, LLC,
 5 and ICOT HEARING SYSTEMS, LLC,
 6 d/b/a LISTENCLEAR

7 DECLARATION UNDER PENALTY OF PERJURY

8 I declare under penalty of perjury
 9 that I have read the entire transcript
 10 of my Deposition taken in the
 11 above-captioned matter or the same
 12 has been read to me and the same is
 13 true and accurate, save and except for
 14 changes and/or corrections, if any, as
 15 indicated by me on the COASTAL COURT
 16 REPORTING DEPOSITION ERRATA SHEET
 17 hereof, with the understanding that I
 18 offer these changes as if still under
 19 oath. Signed on the _____ day of
 20 _____, 2019.

21
 22 JACOB ZELLWEGER (Deponent)

23 SWORN TO and subscribed before me
 24 THIS _____ day of _____, 2019

25 NOTARY PUBLIC: _____

My commission Expires: _____

TODD C. BANK vs ICOT HOLDINGS, LLC
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1 DEPOSITION ERRATA SHEET
 2 Reason for
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 23
 24 SIGNATURE:  DATE: _____
 25 JACOB ZELLWEGER

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May 07, 2019

1-4

TODD C. BANK

TODD C. BANK vs ICOT HOLDINGS

Page 1		Page 3
1	IN THE UNITED STATES DISTRICT COURT FOR THE	1
2	EASTERN DISTRICT OF NEW YORK	2 APP E A R A N C E S
3	-----X	3
4	TODD C. BANK, Individually and on	4 TODD C. BANK, ATTORNEY AT LAW, P.C.
5	Behalf of All Others Similarly Situated,	5 Attorneys for the Plaintiff
6	Plaintiff,	6 119-40 Union Turnpike, Fourth Floor
7	Index No.	7 Kew Gardens, New York 11415
	1:18-cv-02554-AMD-PK	8
8	-against-	9
9	ICOT HOLDINGS, LLC, and ICOT	9 MAC MURRAY & SHUSTER LLP
10	HEARING SYSTEMS, LLC,	10 Attorneys for the Defendants
	Defendants.	10 6525 West Campus Oval, Suite 210
11	-----X	11 New Albany, Ohio 43054
12	ICOT HEARING SYSTEMS, LLC,	11 BY: HELEN MAC MURRAY, ESQ.
13	Third-Party Plaintiff,	12 P: (614) 939-9955
14	-against-	13 F: (614) 939-9954
15	PROSPECTS DM, INC.,	13 E: hmacmurray@mslawgroup.com
	Third-Party Defendant.	14
16	-----X	15
17	May 7th, 2019	16
18	2:00 p.m.	17
19		18
20	EXAMINATION BEFORE TRIAL of the	19
21	Plaintiff, TODD C. BANK, taken by the	20
22	Defendants, pursuant to a Notice, held at the	21
23	offices of ESQUIRE DEPOSITION SOLUTIONS, 8900	22
24	Sutphin Boulevard, Suite 308C, Jamaica, New	23
25	York 11435, before AMANDA ALVAREZ, a	24
		25
Page 2		Page 4
1		1
2	Professional Court Reporter and a Notary Public	2 FEDERAL STIPULATIONS
3	of the State of New York.	3
4		4 IT IS HEREBY STIPULATED AND AGREED by
5		5 and between the attorneys for the respective
6		6 parties herein, that filing and sealing be and
7		7 the same are hereby waived.
8		8
9		9 IT IS FURTHER STIPULATED AND AGREED
10		10 that all objections, except as to form of the
11		11 question, shall be reserved to the time of the
12		12 trial.
13		13
14		14 IT IS FURTHER STIPULATED AND AGREED
15		15 that the within deposition may be sworn to and
16		16 signed before any officer authorized to
17		17 administer an oath, with the same force and
18		18 effect as if signed and sworn to before this
19		19 Court.
20		20
21		21
22		22
23		23
24		24
25		25

TODD C. BANK
TODD C. BANK vs ICOT HOLDINGS

Page 5	Page 6	Page 8
1	1	1
2 T O D D C. B A N K, having been first duly	2 T. BANK	2 exclusively in the area of telemarketing
3 sworn by a Notary Public of the State of New	3 violations.	3
4 York, testified as follows:	4 Q. Is that where you are always a	4
5 EXAMINATION BY MS. MAC MURRAY:	5 plaintiff, or have you also handled cases where	5
6 Q. State your name for the record,	6 you are an attorney and not a party in the	6
7 please.	7 suit?	7
8 A. Todd C. Bank.	8 A. I have represented clients, if I	8
9 Q. State your address for the record,	9 understand your question correctly.	9
10 please.	10 Q. Yes.	10
11 A. 119-40 Union Turnpike, Fourth	11 A. Yes.	11
12 Floor, Kew Gardens, New York 11415.	12 Q. Are you licensed in the State of	12
13 Q. I am Helen Mac Murray, as you know,	13 New York?	13
14 and I represent the defendants ICOT Holdings,	14 A. Yes.	14
15 LLC, and ICOT Hearing Systems, LLC. You are	15 Q. Are you licensed in any other	15
16 the named plaintiff in this action, and we are	16 states?	16
17 here to take your deposition regarding the	17 A. Not in any other state court	17
18 facts alleged in the complaint.	18 systems.	18
19 A. Okay.	19 Q. Have you appeared in any other	19
20 Q. You are an attorney at law, so I'm	20 state or federal courts?	20
21 not going to bother with any of the	21 A. Yes.	21
22 requirements and understandings and those kinds	22 Q. In a pro hac vice type of	22
23 of things. I will ask if there are any	23 situation?	23
24 medications, illnesses or conditions that would	24 A. Among other ways, yes.	24
25 prevent you from being able to fully understand	25 Q. Which of the other ways?	25
1	1	1
T. BANK	T. BANK	T. BANK
2 my questions today and tell the truth.	2 A. Well, I'm admitted in the District	2
3 A. I don't believe so.	3 of Connecticut. I'm admitted in a number of	3
4 Q. How long have you been an attorney?	4 federal circuits. I am also admitted in the	4
5 A. For -- a licensed attorney?	5 United States Supreme Court. So in cases like	5
6 Q. Yes.	6 that, I obviously would have to apply for a pro	6
7 A. Twenty-two years.	7 hac vice.	7
8 Q. Where did you go to law school?	8 Q. Let's talk about today's case. In	8
9 A. Brooklyn Law School.	9 your complaint, you talk about two phone calls	9
10 Q. Have you always practiced on your	10 that you received; is that correct?	10
11 own?	11 A. Two calls among others, yes.	11
12 A. No.	12 Q. When you say "among others," can	12
13 Q. What other types of legal practices	13 you describe what you are talking about,	13
14 have you had besides your own practice, just	14 please?	14
15 generally?	15 A. Sure. As alleged in the further	15
16 A. I worked for a couple of law firms	16 amended complaint -- and when I do say	16
17 after law school and also had some -- a smaller	17 "complaint," I mean the amended complaint is	17
18 series of very temporary and/or part-time	18 the only operable complaint, of course.	18
19 positions also soon after law school.	19 Q. That's fair.	19
20 Q. How long have you had your own	20 A. I do allege in the complaint that	20
21 individual practice?	21 there were dozens of calls that had the same	21
22 A. Just about 20 years.	22 caller ID information as did the first of the	22
23 Q. Today, can you give me a general	23 two calls that I answered and that I am	23
24 idea of the types of law that you practice?	24 specifically alleging in the complaint.	24
25 A. I practice mostly but not	25 Q. Did you answer more than the two	25

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TODD C. BANK

TODD C. BANK vs ICOT HOLDINGS

Page 13	Page 15
1 T. BANK	1 T. BANK
2 so that other people don't break the law	2 you're the deponent so --
3 offensive. Just like if I didn't lock my door	3 A. I understand --
4 at night and somebody broke into my home, I	4 Q. And this is --
5 would assume -- I would hope that the police	5 A. You are not allowed to ask
6 would still arrest that person and that I would	6 anything.
7 be able to sue that person for any damages,	7 Q. This is a telemarketing --
8 even if I was foolish for leaving my door open	8 A. I understand.
9 as a practical matter.	9 Q. I am asking about your telephone
10 Q. What telephone number are you	10 numbers you received calls at.
11 talking about?	11 A. I understand, but there is no
12 A. The number is (516) 489-0961, and	12 similarity. In other words, just by way of
13 it's -- I either alleged that in complaint --	13 example, if I understand, it's not like the
14 but if not, I think it's elsewhere documented.	14 number I have at home is (516) 498-0961 and
15 I don't think it is alleged in the complaint,	15 there might be some question of they were
16 actually.	16 trying to reach that number and reached my
17 Q. Say the number again, please.	17 mother's number or something like that, if
18 A. Sure. It's (516) 489-0961.	18 that's what you are asking about.
19 Q. The number that is alleged in the	19 Q. I don't know what the circumstances
20 complaint, (516) 217-3754, what number is that?	20 may be, but I certainly think it's a relevant
21 A. That is the caller ID number that	21 question.
22 appeared on the dozens of calls that I	22 A. Well, you have my number in any
23 described as well as the first two calls that I	23 event. It's on my letterhead.
24 answered that led me to speak to someone who	24 Q. Thank you. Who resides at the home
25 identified himself as Mathew Tollis.	25 where the (516) 489-0961 is?
Page 14	Page 16
1 T. BANK	1 T. BANK
2 Q. I am going to refer to your	2 A. Well, my mother is the sole
3 landline as (516) 489-0961. Is that okay?	3 full-time resident, and I spend what I consider
4 A. Certainly.	4 a large or hefty amount of time at that
5 Q. The landline telephone number, do	5 residence as well.
6 you have more than one or is it just --	6 Q. Do you visit? Do you spend
7 A. There are multiple physical	7 evenings and nights there?
8 telephones.	8 A. I sleep over on a regular basis,
9 Q. Can you tell me where they are	9 not a majority of nights but a sizable
10 located?	10 minority.
11 A. They're in my mother's home, if	11 Q. Not trying to pry in your personal,
12 that's what you mean.	12 but where do you spend other nights, then?
13 Q. What that address is that? Is that	13 A. In the address that I gave earlier,
14 the address you gave the court reporter?	14 Kew Gardens.
15 A. No.	15 Q. The Kew Gardens address, is that a
16 Q. The address that you gave the court	16 commercial building or a residential building?
17 reporter, what is the telephone number there?	17 A. Residential.
18 A. Well, it's just an unrelated	18 Q. The 0961 number that you indicated
19 number. I'm not sure what that number has to	19 is a landline and is your mother's full-time
20 do with the (516) 489-0961.	20 residency, correct?
21 Q. I don't know until I get what it is	21 A. That's correct.
22 and figure it out so --	22 Q. Is your mother married?
23 A. Well, I'm not sure -- figure out	23 A. No.
24 what, though?	24 Q. She is not?
25 Q. I get to ask the questions, and	25 A. No.

May 07, 2019

21-24

TODD C. BANK

TODD C. BANK vs ICOT HOLDINGS

Page 21	Page 23
1 T. BANK	1 T. BANK
2 class action.	2 2017?
3 Q. Based on the frequency that you	3 A. That's correct.
4 said that you visit your mother, is it common	4 Q. To the best of your recollection,
5 for you to answer the phone when it's ringing	5 can you describe how that call went?
6 and you are there?	6 A. From the time I answered the phone?
7 A. Define "common."	7 Q. No. From the time you started
8 Q. More times than not, you answer it.	8 talking to the human being.
9 A. No.	9 A. I spoke to a human being who
10 Q. It is not common?	10 identified himself as Mathew Tollis. We
11 A. Not under that definition you just	11 discussed hearing aids or the needs that I
12 gave me.	12 might have had regarding possibly obtaining the
13 Q. Do you know how long your mother	13 hearing aid. He identified the name of the
14 has had that number?	14 company and/or its website, which I think are
15 A. I do.	15 kind of one and the same: Listenclear.com. I
16 Q. How long?	16 provided him with some correct identification
17 A. About 49 years.	17 information and some incorrect identification
18 Q. You then spoke with at least two	18 information. I think we had a fairly lengthy
19 individuals from these two calls that are	19 discussion. I gave him an e-mail address that
20 discussed in the amended complaint; is that	20 I do use. In other words, it was not a made-up
21 right?	21 e-mail address because either I asked him or he
22 A. Yes.	22 told me that he would send me an e-mail
23 Q. The prerecorded part, was that,	23 relating to our conversation. That's basically
24 again, substantially similar with the two	24 it.
25 calls?	25 Q. Did you have to take some
Page 22	
1 T. BANK	1 T. BANK
2 A. Yes.	2 affirmative action -- like you said, "press 1"
3 Q. So they were both about the hearing	3 -- to get to Mr. Tollis?
4 aid industry?	4 A. I believe I did.
5 A. Well, about hearing aids. I don't	5 Q. I am looking at you, and I'm not
6 know if I would characterize it as being about	6 seeing you wearing any hearing aids. Is that
7 the industry but certainly about hearing aids.	7 right?
8 Q. So I was trying to distinguish	8 A. No, I am not.
9 between one hearing aid company or just a	9 Q. Have you ever worn hearing aids?
10 general introduction to hearing aids.	10 A. Not that I recall.
11 A. Both of the calls were about	11 Q. Do you have any interest in
12 hearing aids or hearing loss and "Press 1 or	12 information about hearing about hearing aids
13 say yes if you want to speak to somebody about	13 personally at this time?
14 hearing aids or hearing loss." I don't	14 A. Not -- only mildly.
15 remember the exact wording, but I do think I	15 Q. So you are saying you have a mild
16 have some of it written down.	16 interest --
17 Q. Can you clarify whether or not you	17 A. Very mild.
18 recall if a company name was mentioned in the	18 Q. You have a very mild interest in
19 prerecorded part of the call?	19 hearing aids?
20 A. I would have to look at my notes	20 A. Correct, yes.
21 because, offhand, I don't remember.	21 Q. Is that why you pressed 1?
22 Q. But you were subsequently	22 A. No -- let me just clarify. I don't
23 transferred to a human being, correct?	23 remember if I pressed 1. I believe I did
24 A. Yes.	24 something. I am virtually certain I did
25 Q. The first call, was it June 30th,	25 something. It's probably in my notes. I

**TODD C. BANK
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EXHIBIT A
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53–55

Page 55

1 Page No. ____ Line No. ____ Change to: _____

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3 Reason for change: _____

4 SIGNATURE: _____ DATE: _____

5 TODD C. BANK

6 DEPOSITION ERRATA SHEET

7 Page No. ____ Line No. ____ Change to: _____

8 Reason for change: _____

9 Page No. ____ Line No. ____ Change to: _____

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16 Reason for change: _____

17 SIGNATURE: _____ DATE: _____

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MICHELE BANK
TODD C. BANK v ICOT HOLDINGSSeptember 05, 2019
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 1 UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK Case No. 1:18-cv-02554-AMD-PK ----- x TODD C. BANK, Individually and on Behalf of All Others Similarly Situated, Plaintiff, -against- ICOT HOLDINGS, LLC, and ICOT HEARING SYSTEMS, LLC, Defendants. ----- x ICOT HEARING SYSTEMS, LLC, Third-Party Plaintiff, -against- PROSPECTS DM INC., Third-Party Defendant. ----- x EXAMINATION BEFORE TRIAL of a Nonparty Witness, MICHELE BANK, taken by the Defendant, pursuant to a Subpoena, held at 561 Pacing Way, Westbury, New York 11590, on September 5, 2019, at 11:00 a.m., before a Notary Public of the State of New York. 23 24 25	Page 3 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
		Page 2 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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1	M. BANK	
2	reporter is typing down your answers. So try, as	1 M. BANK
3	best as you can, to verbalize those answers clearly	2 telephone number?
4	for her. That will help make for a clear	3 A. Yes, I do.
5	transcript.	4 Q. Is the telephone number (516) 489-0961 on
6	I don't anticipate taking much of your time	5 the National Do Not Call Registry?
7	today, but if you should need or wish for a break at	6 A. I don't know.
8	any time for any reason, just let me know and I'll	7 Q. You don't recall taking steps to place
9	be happy to accommodate that. If I ask you a	8 that number on the National Do Not Call Registry?
10	question that you don't understand or don't hear,	9 A. I might have. I am not sure.
11	please let me know and I'll be happy to rephrase or	10 Q. Mr. Bank is your son, correct?
12	restate that question.	11 A. Correct.
13	A. Okay.	12 Q. How often does your son -- when I refer to
14	Q. So Ms. Bank, what is your current address?	13 your son, I am referring to Mr. Bank. How often
15	A. 561 Pacing Way, Westbury, New York.	14 does he visit you at your home?
16	Q. How long have you lived there?	15 A. Most weekends.
17	A. Eleven years.	16 Q. How often does he use your telephone?
18	Q. Does anyone live there with you?	17 A. It varies.
19	A. No.	18 Q. When he visits, does he have your
20	Q. Are you currently working?	19 permission to answer your telephone?
21	A. No, I am not.	20 A. Yes, he does.
22	Q. Are you taking any medications today or do	21 Q. Does anyone else use your telephone
23	you have any medical conditions that would impair	22 outside of you or Mr. Bank?
24	your ability to testify today?	23 A. No.
25	A. No.	24 Q. So in this lawsuit I will represent to you
		25 that Mr. Bank alleges to have received at least two
Page 6		Page 8
1	M. BANK	1 M. BANK
2	Q. So I had described at the beginning that	2 phone calls from my client related to hearing aids,
3	this matter involves a lawsuit brought by Mr. Bank.	3 one being on June 30, 2017, and one being on May 30,
4	Do you have any understanding what the lawsuit is	4 2018. Do you recall being present for either of
5	about?	5 those calls?
6	A. Somewhat.	6 A. No.
7	Q. Can you tell me what your understanding of	7 Q. Do you remember anything in particular
8	the lawsuit is about?	8 about either of those calls?
9	A. I guess it's about a robocall and from an	9 A. No, I don't.
10	ear company, hearing aid company, and that's it.	10 Q. Do you have caller ID on your phone?
11	Q. Is the telephone number of (516)489-0961	11 A. Yes.
12	your telephone number?	12 Q. Do you recall answering any telephone
13	A. Yes, it is.	13 calls with the caller ID of (516) 217-3754?
14	Q. How long have you had that telephone	14 A. No, I don't.
15	number?	15 Q. Do you recall ever receiving any calls to
16	A. For as long as I am living here.	16 your home regarding someone trying to sell hearing
17	Q. So that was for as long as you were living	17 aids?
18	there, would that be the 11 years?	18 A. Not really, no.
19	A. Yes.	19 Q. Do you have an email address?
20	Q. Is that telephone a land line?	20 A. Yes, I do.
21	A. Yes, it is.	21 Q. Do you have more than one email address?
22	Q. What telephone company provides the	22 A. No.
23	telephone land for that telephone number?	23 Q. What is your email address?
24	A. Cablevision/Optimum.	24 A. Shelbank1@aol.com.
25	Q. Do you pay the bills associated with that	25 Q. Does anyone other than you use your email?

EXHIBIT A

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Page 13			Page 16		
1	M. BANK		1	M. BANK	
2	I N D E X		2	ESQUIRE ERRATA SHEET	
3	WITNESS	EXAMINATION BY	3		
4	Michele Bank	Ms. Messner	4	Esquire Job ID: 4450424	
5			5	Case Caption: TODD C. BANK, Individually and on	
6			6	Behalf of All Others Similarly Situated vs. ICOT	
7			7	HOLDINGS LLC, et al.	
8			8		
9			9	DECLARATION UNDER PENALTY OF PERJURY	
10			10		
11			11	I declare under penalty of perjury that I have	
12			12	read the entire transcript of my Deposition taken	
13			13	in the above-captioned matter or the same	
14			14	has been read to me and the same is true and	
15			15	accurate, save and except for changes and/or	
16			16	corrections, if any, as indicated by me on the	
17			17	DEPOSITION ESQUIRE ERRATA SHEET hereof, with the	
18			18	understanding that I offer these changes as if still	
19			19	under oath. Signed on the _____ day of	
20			20	_____, 20_____. _____ MICHELE BANK	
21			21		
22			22		
23			23		
24			24		
25			25		
Page 14			Page 16		
1	M. BANK		1	M. BANK	
2	C E R T I F I C A T E		2	DEPOSITION ERRATA SHEET	
3	I, CHRISTINA FERRARO, a shorthand		3	Page No. _____ Line No. _____ Change to: _____	
4	reporter and Notary Public within and for the State		4	_____	
5	of New York, do hereby certify:		5	Reason for change: _____	
6	That the witness whose testimony is		6	Page No. _____ Line No. _____ Change to: _____	
7	hereinbefore set forth was duly sworn by me, and the		7	_____	
8	foregoing transcript is a true record of the		8	Reason for change: _____	
9	testimony given by such witness.		9	Page No. _____ Line No. _____ Change to: _____	
10	I further certify that I am not related to		10	_____	
11	any of the parties to this action by blood or		11	Reason for change: _____	
12	marriage, and that I am in no way interested in the		12	Page No. _____ Line No. _____ Change to: _____	
13	outcome of this matter.		13	_____	
14			14	Reason for change: _____	
15			15	Page No. _____ Line No. _____ Change to: _____	
16			16	_____	
17			17	Reason for change: _____	
18			18	Page No. _____ Line No. _____ Change to: _____	
19			19	_____	
20	CHRISTINA FERRARO		20	Reason for change: _____	
21			21	Page No. _____ Line No. _____ Change to: _____	
22			22	_____	
23			23	Reason for change: _____	
24			24		
25			25	SIGNATURE: _____ DATE: _____ MICHELE BANK	